

STEVEN STAFFORD,

Petitioner,

v.

STANLEY PAYNE,

Defendant.

MEMORANDUM AND ORDER

“A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case.” *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998). A district court may appoint counsel in a civil case if the court is “convinced that an indigent plaintiff has stated a nonfrivolous claim . . . and where the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel.” *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018). When determining whether to appoint counsel for an indigent litigant, a court considers relevant factors such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006).

After reviewing these factors, the Court finds that the appointment of counsel is not warranted at this time. Petitioner's stated reason for needing appointment of counsel is his inability to access sealed documents in closed criminal cases to which he was not a party.


Counsel, however, would also not be able to access such documents. Consequently, this reason does not present a justification for the appointment of counsel. Petitioner has continued to demonstrate, at this point, that he can adequately present his claims to the Court. The Court will entertain future motions for appointment of counsel as the case progresses.

In addition, the Court denies this motion because it is unsigned. Pursuant to this district's Local Rules, "All filings, unless otherwise permitted by leave of Court, shall be double spaced typed or legibly written on 8 ½ by 11 inch pages, *and shall contain the signature of the party or the party's attorney.*" E.D.Mo. L.R. 2.01(A)(1) (emphasis added).

Accordingly,

IT IS HEREBY ORDERED that Petitioner Steven Stafford's fourth Motion for Appointment of Counsel (ECF No. 15) is **DENIED**.

Dated this 23rd day of September, 2019.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE